

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

May 14, 2021

1:02 p.m.

DRAFT

MEMBERS PRESENT

Representative Josiah Patkotak, Chair
Representative Grier Hopkins, Vice Chair
Representative Zack Fields
Representative Calvin Schrage
Representative George Rauscher
Representative Mike Cronk
Representative Ronald Gillham
Representative Tom McKay

MEMBERS ABSENT

Representative Sara Hannan

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 101(FIN)

"An Act relating to the membership of the Citizens' Advisory Commission on Federal Management Areas in Alaska; extending the termination date of the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

- MOVED CSSB 101(FIN) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 101

SHORT TITLE: ADVISORY COMMISSION ON FEDERAL MGT AREAS

SPONSOR(s): RESOURCES

03/05/21	(S)	READ THE FIRST TIME - REFERRALS
03/05/21	(S)	RES
03/29/21	(S)	RES AT 3:30 PM BUTROVICH 205
03/29/21	(S)	Heard & Held
03/29/21	(S)	MINUTE(RES)
04/12/21	(S)	RES AT 3:30 PM BUTROVICH 205
04/12/21	(S)	Moved SB 101 Out of Committee
04/12/21	(S)	MINUTE(RES)

04/16/21	(S)	RES RPT 4DP 2NR 1AM
04/16/21	(S)	DP: REVAK, MICCICHE, BISHOP, VON IMHOF
04/16/21	(S)	NR: STEVENS, KIEHL
04/16/21	(S)	AM: KAWASAKI
04/16/21	(S)	RES RECOMMENDED A FINANCE COMMITTEE REFERRAL
04/16/21	(S)	FIN REFERRAL ADDED
04/20/21	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/20/21	(S)	Heard & Held
04/20/21	(S)	MINUTE(FIN)
04/27/21	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/27/21	(S)	Moved CSSB 101(FIN) Out of Committee
04/27/21	(S)	MINUTE(FIN)
04/28/21	(S)	FIN RPT CS 5DP 1NR NEW TITLE
04/28/21	(S)	DP: BISHOP, HOFFMAN, WILSON, OLSON, VON IMHOF
04/28/21	(S)	NR: WIELECHOWSKI
05/05/21	(S)	TRANSMITTED TO (H)
05/05/21	(S)	VERSION: CSSB 101(FIN)
05/06/21	(H)	READ THE FIRST TIME - REFERRALS
05/06/21	(H)	RES, FIN
05/14/21	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

SENATOR JOSH REVAK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced SB 101.

TINA CUNNING
Retired ANILCA Specialist
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony in support of SB 101.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided testimony in support of SB 101.

KYLE MOSELLE, Executive Director
Office of Project Management and Permitting
Department of Natural Resources
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on SB 101.

ROD ARNO, Policy Director
Alaska Outdoor Council
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 101.

ACTION NARRATIVE

[1:02:06 PM](#)

CHAIR JOSIAH PATKOTAK called the House Resources Standing Committee meeting to order at 1:02 p.m. Representatives McKay, Fields, Cronk, Hopkins, Schrage, Gillham, Rauscher, and Patkotak were present at the call to order.

^#sb101

SB 101-ADVISORY COMMISSION ON FEDERAL MGT AREAS

[1:03:08 PM](#)

CHAIR PATKOTAK announced that the only order of business would be CS FOR SENATE BILL NO. 101(FIN), "An Act relating to the membership of the Citizens' Advisory Commission on Federal Management Areas in Alaska; extending the termination date of the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

[1:03:34 PM](#)

SENATOR JOSH REVAK, Alaska State Legislature, as prime sponsor, introduced CSSB 101(FIN), which he said would extend the sunset date for the Citizens' Advisory Commission on Federal Management Areas (CACFA) from June 30, 2021, to June 30, 2029. Established in 1981, CACFA's mission is to help Alaskans navigate the "unique and complex web" of regulations associated with the Alaska National Interest Lands Conservation Act (ANILCA), the Alaska Statehood Act, and the Alaska Native Claims Settlement Act (ANCSA). He said the commission works with federal agencies to ensure congressional intent is implemented. "As institutional memory and expertise is lost," he said, "CACFA serves as a vigilant and knowledgeable resource for Alaskans to defend the land access rights and protections that we were promised in federal law as stakeholders in the state." He explained that CACFA assists individuals in navigating federal permitting, is a resource for Alaskans wanting information on

their access rights under ANILCA, and considers, researches, and holds hearings on the consistency with federal law, as well as Congressional intent of management of federal land.

SENATOR REVAK explained that the changes to the original bill version, proposed under CSSB 101(FIN) would require that at least three of the governor's appointees to the commission be representatives of the ANCSA corporations. He explained that because ANCSA corporations are also large landowners in the state and frequently handle land access issues, incorporating their perspective into CACFA's considerations would be very beneficial. He also noted that the CSSB 101(FIN) would restore funding to CACFA to support one full-time position, which has historically been an executive director, who is normally tasked with compiling the work of the commission.

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CHAIR PATKOTAK asked about the fiscal note.

SENATOR REVAK replied that the original intent of the proposed legislation was to extend CACFA. He said the Senate Finance Committee decided that including an executive director position with associated funding would be important.

[1:07:53 PM](#)

REPRESENTATIVE RAUSCHER asked how the fiscal note of \$178,100 per year was derived and whether the funding would be sufficient.

SENATOR REVAK offered his understanding that "this number was the previous ... amount allocated" for travel costs and funding a position. He noted that the Senate Finance Committee added the fiscal note and that he could get more details if necessary.

REPRESENTATIVE RAUSCHER suggested consideration of increasing the amount in the fiscal note.

SENATOR REVAK replied that, given the current budget restraints, he believed the amount was appropriate.

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CHAIR PATKOTAK announced that the committee would hear invited testimony.

1:09:35 PM

TINA CUNNING, Retired ANILCA Specialist, said that she worked in a state ANILCA program for nearly 30 years, beginning at its inception in 1981 and retiring in 2010. She expressed that the governor, legislature, businesses, private citizens, and ANCSA corporations worked to protect the economic and social opportunities during the "dealmaking" of the four years preceding the 1980 bipartisan passage of ANILCA. She said that in 1981 there was concern that the deals leading to ANILCA would be lost over time; therefore, CACFA was established to ensure Alaskans were kept informed as ANILCA was being implemented and to protect the use of public land as intended by Congress. She characterized CACFA as being "invaluable" throughout her tenure in working through the "red tape" to assist Alaskans in securing commercial service permits for activities like air taxi operations and sled dog tours.

MS. CUNNING expressed concern that the special provisions for public use, as envisioned by the legislature and by U.S. Senator Theodore Stevens, have been largely forgotten; therefore, she said, CACFA is needed more than ever. To highlight this point, she described an occasion in early 2021 during which federal land management agencies published draft regulations that would change the process for acquiring permits to cross federal land in order to access non-federal land. The proposed process, she said, would have directly impacted all adjacent landowners, thereby impacting the ability of the ANCSA corporations, state, municipalities, and others to use non-federal lands. Without CACFA, she said, most of the landowners would not have been made aware of the conflict between the proposed federal regulations and the ANILCA process. She stressed the importance of access to assistance in interpreting the regulations instead of relying on a federal land manager who may not know the law. She praised the wisdom of the leaders who worked to establish ANILCA and noted that, without CACFA, many opportunities would be lost. She stated her strong support for the reauthorization of CACFA for the benefit of all Alaskans.

1:13:13 PM

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Legislature Agencies and Offices, directed attention to the document [included in the committee packet], titled "A Sunset Review of the Department of Natural Resources, Citizens' Advisory Commission on Federal Areas (CACFA)." She explained that the purpose of the audit was to determine whether the

commission is serving the public's interest, and whether it should be extended. She explained that CACFA is responsible for identifying and reducing potential negative impacts on Alaska and its citizens from federal actions on any of the over 200 million acres of federal land in the state. She noted that funding for the commission was eliminated in 1999, reestablished in 2007, and eliminated again in 2017. She stated that concerns about federal overreach led to the initial reestablishment of CACFA in 2007.

MS. CURTIS then directed the committee's attention to the report conclusions, which began on page 7 of the document, and pointed out that the current audit covers fiscal year 2015 (FY 15) through FY 17. She explained that the audit found that, beginning in FY 17, funding the commission has not been a consistent priority for the legislature or the governor; however, both entities have tried to fund it at different points in time over the last five years. Overall, she said, the audit concluded that from the date of the prior sunset audit through FY 17, the commission operated effectively and did not significantly duplicate the activities of another government agency. She specified that the audit also concluded there is a continuing public need for CACFA, and the Legislative Audit Division recommends an eight-year extension.

MS. CURTIS explained that the audit found that while CACFA was active, the executive director monitored the federal registers for new information related to CACFA's mission; apprised the commission on information relevant to its mission; and, if deemed necessary, would send a comment letter on CACFA's behalf, formally summarizing CACFA's concerns regarding changes to regulations. She said that the commission sent 14 comment letters to governmental agencies and congressional subcommittees, and provided testimony 4 times, between February 2015 and August 2016. She noted that the audit found this agency to be "very active," and it includes a response from the commissioner of the Department of Natural Resources (DNR), who agrees with the recommended eight-year extension. In response to Chair Patkotak's earlier question regarding funding, she directed attention to page 3 of the "Organization and Function" section, which exhibits a chart showing similarities between the fiscal note for CSSB 101(FIN) and the FY 16 operating budget, which she clarified was the last year the commission was funded. She noted the funding of executive director and natural resource specialist positions.

[1:18:01 PM](#)

KYLE MOSELLE, Executive Director, Office of Project Management and Permitting, Department of Natural Resources, explained that he prepared the fiscal note for SB 101, which initially included a zero fiscal note; CSSB 101(FIN) includes a fiscal note to allow staffing, should the proposed legislation be adopted. He said, "I used the funding that was estimated in the governor's amended budget proposed for FY 21, which ultimately was not in the approved budget for FY 21." He detailed the fiscal note as accounting for \$163,100 in general funds for personal services, \$5,200 in general funds for travel, \$6,800 for services, and \$3,000 for commodities, with a total of \$178,100. He said that, while the budget for CACFA for FY 16 included an executive director and a natural resource specialist, his idea is that there would be one "large project coordinator" in the Office of Project Management and Permitting (OPMP), who would be assigned support for CACFA activities.

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CHAIR PATKOTAK asked Ms. Curtis to put on the record that there were no significant concerns in the audit, based on the previous sunset date.

MS. CURTIS said that the previous sunset audit had recommendations regarding administrative tasks, which were implemented. She stated that there currently is, effectively, no commission, since a number of years has passed since CACFA was defunded. She clarified that the current audit focused on the [approximately] year and a half that the commission was funded, found no issues, and found a continuing public need for the commission.

[1:21:17 PM](#)

The committee took an at-ease from 1:21 p.m. to 1:22 p.m.

[1:22:23 PM](#)

CHAIR PATKOTAK opened public testimony on CSSB 101(FIN).

[1:22:33 PM](#)

ROD ARNO, Policy Director, Alaska Outdoor Council, stated that the Alaska Outdoor Council "fully supports" the reauthorization of CACFA. He added that he was a commissioner on CACFA until it was defunded. He added, "The importance of CACFA to all

Alaskans, and particularly Alaskans who participate on federal lands, whether it be rural Alaskans or folks who recreate and hunt and fish on federal lands. This commission is extremely important, and I hope you pass it out of committee, and we get the reauthorization."

[1:23:36 PM](#)

CHAIR PATKOTAK, after ascertaining that no one else wished to testify, closed public testimony on CSSB 101(RES).

[1:24:06 PM](#)

REPRESENTATIVE HOPKINS moved to report CSSB 101(FIN) out of committee with individual recommendations and the accompanying fiscal note.

[1:24:22 PM](#)

CHAIR PATKOTAK objected for purposes of discussion.

[1:24:29 PM](#)

CHAIR PATKOTAK removed his objection. There being no further objection, CSSB 101(FIN) was reported out of the House Resources Standing Committee.

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[1:25:17 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 1:25 p.m.